IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

WP(C).No. 20077 of 2007(M)

PETITIONER:

A.K.ABOOBACKER,
LOWER DIVISION CLERK, PANANGAD GRAMA PANCHAYATH,
P.O.PANANGAD, (VIA) BALUSSERY, CALICUT DISTRICT.

BY ADV. SRI.ABDULLA SHAFEEKALI.M

RESPONDENTS:

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1. DEPUTY DIRECTOR OF PANCHAYAT,
PANCHAYAT DEPARTMENT, CALICUT COLLECTORATE,
CIVIL STATION P.O., CALICUT DISTRICT.

2. THE SECRETARY,
PANANGAD GRAMA PANCHAYAT, PANANGAD P.O.,
BALUSSERY (VIA), CALICUT DISTRICT.

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C)No. 20077 OF 2007

Dated this the 6th day of July, 2007

J U D G M E N T

The Petitioner is an L.D. Clerk working in Panangad Grama Panchayat. He applied for leave on medical grounds from 1.6.2007 to 31.8.2007. He became medically fit after two weeks and he went to the Panchayat to re-join duty on 16.6.2007 with Exhibit P2 medical certificate. Alleging that he is not allowed to join duty., he filed Exhibit-P3 representation requesting that he may be allowed to join duty. Thereafter, this writ petition is filed praying for a direction to the 2nd respondent to allow him to join duty on the basis of Exhibit-P2 fitness certificate. He claims all service benefits from 16.6.2007.

2. Heard. Learned Government Pleader submitted that the petitioner has been transferred to Kozhikode District on 21.6.2007. Though the copy of the transfer order was sent to the petitioner by registered post, it was returned 'unclaimed'.

3. The petitioner shall be allowed to join duty immediately and thereafter relieved in the light of the transfer order. If the petitioner is aggrieved by the transfer he will be

free to challenge it. The 2nd respondent shall also take a decision as to how the period from 16.6.2007 to the date of joining duty shall be treated, without any further delay.

The writ petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE

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